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JACOBSON HOLMAN PLLC			CHAPMAN, GINGER T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,450	MULLEJANS ET AL.	
	Examiner	Art Unit	
	Ginger T. Chapman	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 June 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) 25-30 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21, 23 and 24 is/are rejected.
 7) Claim(s) 22 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Status of the Claims

Claim 1 is amended, claims 1-30 are pending in the application, claims 25-30 are withdrawn from consideration as being drawn to a nonelected invention, claims 1-24 are examined on the merits.

Response to Arguments

Applicant's arguments filed 22 June 2010 have been fully considered but they are not persuasive.

Applicant argues the following: the mating flanges of Sato do not correspond with the instant removable release liner having an alignment element since the flanges of Sato remain in place while the instant release liner having an alignment element are removed after the flanges of the bag liner and outer receiving member have been adhered to one another the providing for a more compact and flat ostomy appliance configuration during use than is possible with Sato.

This argument is not persuasive because, although Applicant argues that the flanges of Sato remain in place while the instant release liner is removed, the instant flanges remain in place in the same manner that the flanges of Sato remain in place, and there are no release liners present after the flanges of the bag liner and the outer receiving member have been adhered to one another. With respect to the argument that the present appliance provides a more compact and flat configuration, Sato discloses the embodiment in Figure 3 that is more compact than the embodiment of Figure 5 because the intermediate flange 19 of Figure 5 is not present in Figure 3, Figure 3 teaches the flange 151 of the inner bag liner adhered directly bodyside flange 4 then the outer bag flange 7 is mounted to fitting 6 of flange 4, such that only flange 151 is between

bodyside flange 4 and outer bag flange 7, in the same manner that the instant inner bag flange is adhered between the instant outer bag flange and instant body side flange, thus the embodiment of Figure 3 also obtains a more compact and flat configuration during use.

With respect to the alignment element on the release liner being removed, the claims as presently written do not require that there is no alignment element present; however, the examiner notes that the holes or openings in the flanges provide a concentric alignment element because the holes in the flanges must be aligned with each other and also with the stomal opening in order for the appliance to operate properly.

Therefore the examiner respectfully traverses Applicants' arguments and maintains the art rejections of the rejected claims.

The rest of Applicant's arguments are directed to the claims as amended and are answered in the detailed analysis of the claims below.

Claim Objections

Claim 2 is objected to because of the following informalities: lines 3-4 recite "substantial concentric", the examiner is considering this a typographical error of "substantially concentric". Appropriate correction is required.

Claim 24 is objected to because of the following informalities: line 3 recites "an side", the examiner is considering this a typographical error of "a side". Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the body" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8 and 11-13 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US 5,785,695) in view of Petersen (US 4,826,495).

With respect to claim 1, as best depicted in Figure 3, Sato discloses a disposable inner bag liner 15 for an ostomy appliance, the inner bag liner being capable of forming a bag inside an outer receiving member 10, said outer receiving member 10 having a hole 11 for receiving a

stoma, ureter, or catheter for receiving effluents or waste products of the body, and a flange 7, and a disposable inner bag liner 15 comprising:

an open end having an annular flange 151 that includes a hole 16 for receiving a stoma, ureter, or catheter for receiving effluents or waste products of the body, a first surface being provided with an adhesive 151, and a second surface (fig. 3; column 8, lines 20-38);

said outer receiving member 10 flange 7 and the second surface of the liner 15 being adapted to be releasably adhered to each other 151 (fig. 3);

Sato discloses the claimed invention except for a release liner, said release liner on said first surface including an alignment element for aligning the inner bag liner flange in relation to the outer receiving member flange; and said release liner being removed prior to adhering said bag liner first surface to a base plate on a user. Sato discloses an alignment element 6 for aligning the inner bag liner flange 151 in relation 8 to the outer receiving member flange 7 (column 8, lines 24-26; column 7, lines 18-21 and lines 37-42), thus providing motivation for aligning the members. Release liners are known in the ostomy art to cover adhesive surfaces of flanges and thus a flange comprising a release liner would still comprise the openings that perform the function of alignment elements when the holes in the flanges are aligned in concentric arrangement and thus a release liner covering the adhesive surfaces of the flanges would also be in alignment when the flanges are aligned, prior to the removal of the release liner. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made that the alignment element of Sato could be provided on a release liner or on the flange as disclosed by Sato since either location would perform the same function of

permitting alignment of the flanges and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

In the alternative, Petersen, at column 3, lines 65 to column 4, line 14, provides motivation for a release liner (column 6, lines 41-43) that facilitates the placement of ostomy bags on base plates. As best depicted in Figure 4, Petersen teaches a release liner 54 (column 6, lines 41-43) that can on the first surface of an inner bag liner (fig. 5, 40; column 7, lines 9-13) and/or on a first surface of an outer bag 46 (fig. 5), said release liner including an alignment element 44, 56, 58 (column 6, lines 39-47) for aligning the inner bag liner 40 flange in relation to outer receiving member flange and the base plate. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the release liner of Peterson covering the adhesive of the inner bag liner of Sato since Petersen states, at column 6, lines 64-66, that the benefit of forming the release liner with this design is that it obtains a high degree of security for correct centering and positioning of the bag on the retainer plates, i.e. flanges.

With respect to claim 2, Sato discloses the disposable inner bag liner 15 wherein the alignment element 6 is adapted to align the hole 16 in the inner bag liner to be substantial concentric in relation to the hole 11 in the outer receiving member 10 (column 8, lines 24-26; fig. 3).

With respect to claim 3, Sato discloses the disposable inner bag liner 15 wherein alignment element 6 is adapted to align the flange 151 on the inner bag liner 15 to be substantially concentric in relation to the flange 7 on the outer receiving member 10 (fig. 3; column 7, lines 37-39).

With respect to claim 4, Sato discloses the claimed invention except for the alignment element on the release liner. Sato discloses the disposable inner bag liner 15 wherein the flange 7 on the outer receiving member 10 is provided with an additional alignment element 9 adapted to co-operate with the alignment element 6 for the inner bag liner (column 8, lines 24-26 and column 7, lines 37-39), thus providing motivation for the alignment elements to co-operate to align the flanges and thus performing the claimed function without the release liner. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the alignment element on the release liner or on the flange as disclosed by Sato since both locations perform the same claimed function and it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184.

In the alternative, as noted *supra* with respect to claim 1, Peterson provides motivation for and teaches a release liner including alignment elements for covering adhesive surfaces of inner liner and outer bag flanges and for correctly centering and positioning the bags on the flanges, and would therefore be an obvious modification to provide the adhesive surface of the inner bag liner of Sato with the release liner for the alignment benefits as taught by Peterson.

With respect to claim 5, Sato discloses the claimed invention except for the alignment element on the release liner. Sato discloses the disposable inner bag liner 15 wherein the alignment element 6 is adapted to engage the additional alignment element 9 on the outer receiving member 10 (column 8, lines 24-26 and column 7, lines 37-39), thus performing the same function and thus providing motivation for the alignment elements to engage the inner bag liner and the outer receiving member. Therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to provide the alignment element on the flange as disclosed by Sato or on the release liner as taught by Petersen since both locations perform the same function of aligning in the same manner and since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to claim 6, Sato discloses the claimed invention except for the alignment element on the release liner. Sato discloses the alignment element 6 defines a protrusion on a first alignment surface 4 (fig. 3; column 8, lines 24-26), thus providing motivation for a protrusion to align the surfaces. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the alignment elements as taught by Sato located on the alignment surfaces disclosed by Sato or on the release liner as taught by Petersen since both locations perform the same function of aligning in the same manner and since both locations perform the same function of aligning in the same manner and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to claim 7, the combination of Sato and Petersen disclose the alignment element 46, 58 on the release liner 54 defines a recess and/or hole 44 adapted to be engaged by the additional alignment element 44 on the outer receiving member 4 (fig. 5 of Petersen). See claim 4, *supra*. Additionally, Sato discloses the alignment element 6 defines a recess and/or hole 5 adapted to be engaged by the additional alignment element by the additional alignment element 9 on the outer receiving member 10 (fig. 3; column 6, line 66 to column 7, lines 1-12; column 8, lines 24-26), thus disclosing the elements perform the substantially identical function in the

substantially identical manner without the release liner and thus providing motivation for such. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the alignment element on the flange as disclosed by Sato or on the release liner as taught by Petersen since both locations perform the same function of aligning in the same manner and since both locations perform the same function of aligning in the same manner and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to claim 8, the combination of Sato and Petersen disclose the additional alignment element on the outer receiving member 46 defines a recess and/or hole 44 adapted to be engaged by the alignment element 44 on the outer receiving member 46 (fig. 5 of Petersen). See claim 4, *supra*. Additionally, Sato the additional alignment element 9 on the outer receiving member 10 defines a recess and/or hole adapted to be engaged by the alignment element 151 on the inner bag liner 15 and the base plate 4, thus teaching the elements perform the substantially identical function in the substantially identical manner without the release liner and thus providing motivation for such. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the alignment element on the flange as disclosed by Sato or on the release liner as taught by Petersen since both locations perform the same function of aligning in the same manner and since both locations perform the same function of aligning in the same manner and it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to claim 11, the combination of Sato and Petersen (fig. 5) disclose the disposable inner bag liner 40 wherein the alignment element on the release liner 54 has a

geometric shape 44 indicating a corresponding shape 44 of the flange of the outer receiving member 46. See claim 1, *supra*. Additionally, As best depicted in Figure 5, Sato discloses the alignment element 151, 19 for the inner bag liner has a geometric shape 19, 20 indicating a corresponding shape of the flange 7 on the outer receiving member 10, thus disclosing the elements perform the substantially identical function in the substantially identical manner without the release liner and thus providing motivation for such. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the alignment element on the flange as disclosed by Sato or on the release liner as taught by Petersen since both locations perform the same claimed function and it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184.

With respect to claim 12, as best depicted in Figure 5, Sato discloses the inner bag liner 15 wherein the geometric shape 19, 20 protrudes from the inner bag liner flange 151, 19.

With respect to claim 13, the combination of Sato and Petersen (fig. 5) discloses the geometric shape 56, 58 defines a line on the surface of the inner bag liner 40 flange (Petersen column 6, lines 40-47).

Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Petersen and further in view of Blum (US 5,520,670).

With respect to claims 9 and 10, the combination of Sato and Petersen discloses the claimed invention except for the alignment element on the release liner defines an alignment leg that protrudes from at least a part of an outer rim of the flange on the inner bag liner and/or the release liner (**claim 9**); the alignment leg protrudes along the entire outer rim of the flange on the

inner bag liner (**claim 10**). Sato discloses alignment elements, thus providing motivation for such. Blum, at column 1, lines 8-9, provides motivation for alignment elements for facilitating alignment of ostomy appliances. As best depicted in Figures 1 and 3-4, Blum teaches an alignment element defining an alignment leg 34 (fig. 4) that protrudes from at least a part of an outer rim of a flange 12 on an ostomy bag 10; the alignment leg 34 protrudes along the entire outer rime of the flange 12 on the bag 10. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the alignment element as taught by Blum for the ostomy appliance of Sato / Petersen since Blum states, at column 5, lines 11-13, that the benefit of forming the appliance with this design is that it facilitates alignment and attachment of the pouch to the flanges.

With respect to claims 23 and 24, the combination of Sato and Petersen (Petersen at column 6, lines 39-42 and figs. 2, 3 and 4) disclose wherein the closed end 10 of the inner bag liner 40 in a compacted state is provided with a cover 54 (**claim 23**); Petersen at column 5, lines 11-13; figs. 2, 3), discloses wherein the release liner 54 is provided with a protection film 14 placed at an side of the release liner in relation to the cover.

Claims 14-15 and 18-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sato in view of Petersen and further in view of Pedersen et al (US 2005/0113770 A1).

With respect to claims 14, 15, 18 and 19, the combination of Sato and Petersen discloses the claimed invention, as best depicted in Figure 4, Petersen disclose release liner 54 includes gripping element, not labeled with a reference character, above the reference character 56. In the alternative, the combination of Sato and Petersen do not expressly disclose the claimed invention except for the release liner includes a gripping element (**claim 14**); the

gripping element protrudes from an outer rim of the release liner (**claim 15**); the gripping element protrudes from a surface of the release liner (**claim 18**); the gripping element defines at least two gripping surfaces so as to allow gripping of the liner with two fingers (**claim 19**).

The combination of Sato and Petersen discloses alignment elements for ostomy appliances thus providing motivation for such. Pedersen discloses alignment elements 12 (fig. 2) for ostomy appliances that permit the liner walls to be peeled apart to release the walls, thus providing motivation for such, and at paragraph [0048] provides motivation for gripping tabs to provide surfaces that a user of the appliance can grasp to handle the appliance. As best depicted in Figures 13-14, Pedersen teaches gripping elements 20a 20b that protrude from an outer rim surface of a releasable liner 3b, 4 and defines at least two gripping surfaces so as to allow gripping of the liner with two fingers. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the appliance of Sato and Petersen with gripping elements as taught by Pedersen since Pedersen states, at paragraphs [0088-9], that gripping elements provide easier peeling away of the releasable liners.

Claims 16 and 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sato in view of Petersen and Pedersen as applied to claims 15 and 19 above, and further in view of Malouf (US 2,660,877).

With respect to claims 16 and 20, the combination of Sato and Petersen discloses the claimed invention except for a gripping plane defined by at least a part of the gripping element is transverse to a liner plane defined by at least a part of the release liner provided inside the outer rim (**claim 16**); the gripping plane and the liner plane define an angle of between 5 to 45 degrees (**claim 17**); the gripping surfaces are transverse to a liner plane defined by at least a part or the

release liner (**claim 20**). The combination of Sato, Petersen and Pedersen provide motivation for gripping surfaces. Malouf teaches a flange and receiving member assembly having alignment holes and having gripping surfaces, thus providing motivation for such.

As best depicted in Figures 1, 2 and 4 and disclosed at column 2, lines 10-34 and lines 41-54, Malouf teaches a flange 18 including alignment elements 24, 25 and a release cover or cap 2, the cap 2 including a gripping element 27 protruding from an outer rim of the flange 18, wherein a gripping plane defined by at least a part of the gripping element is transverse (1, fig. 1; 2, fig. 2) to the flange, i.e. a liner plane defined by at least a part of the flange/liner provided inside of the outer rim. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gripping element of Sato, Petersen and Pedersen as taught by Malouf since Malouf states, at column 2, lines 48-55, that the benefit of forming the gripping surface with this design is that it permits the liner plane to be grasped and seated to engage and mount the release cap into place.

Claims 17 and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Sato in view of Petersen and Pedersen in view of Malouf as applied to claims 15 and 19 above, and further in view of Baker et al (US 2,708,802).

With respect to claims 17 and 21, the combination of Sato, Petersen, Pedersen and Malouf disclose the claimed invention except for the gripping plane and the liner plane define an angle of between 5 to 45 degrees (**claim 17**); the gripping surfaces are concave (**claim 21**). The combination provides motivation for gripping surfaces and discloses an angle of approximately 90 degrees (Malouf, figs. 1 and 2). Baker, at column 1, lines 18-22, provides motivation for gripping surfaces for releasable covers and caps that are transverse to a liner plane to align holes

in the caps and liners. As best depicted in Figures 1, 2, 4 and 6, Baker discloses a gripping plane 107, 108 (fig. 2), 304, 305 (fig. 4), 502, 505 (fig. 6) and a liner 103 and retaining plate 104, i.e. flange plane defining an angle of between 5 to 45 degrees wherein the gripping surfaces are concave (column 2, lines 24-26 and lines 48-58 and lines 67-69). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gripping surfaces of Sato, Petersen, Pedersen and Malouf angled and concave as taught by Baker since Baker states, at column 3, lines 29-40 and lines 50-56, that such surfaces good gripping surfaces to manipulate releasable covers and flanges that need to be aligned with concentric holes.

Allowable Subject Matter

Claims 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, provided that ODP rejection is overcome..

The following is a statement of reasons for the indication of allowable subject matter: the subject matter not disclosed or fairly suggested by the prior art of record is a release liner comprising a compartment projecting from the liner in combination with the compartment defining gripping means, in combination with the other features recited in the claims.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection

is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 7,722,586. Although the conflicting claims are not identical, they are not patentably distinct from each other because the issued claims contain the substantially identical subject matter of a disposable release liner comprising a compartment projecting from the liner.

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 7,470,263. Although the conflicting claims are not identical, they are not patentably distinct from each other because the issued claims contain the substantially identical subject matter of the disposable release liner coupled to an outer receiving member for an ostomy appliance.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571)272-4934. The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ginger T Chapman/
Examiner, Art Unit 3761
08/27/10
/Tatyana Zalukaeva/
Supervisory Patent Examiner, Art Unit 3761